

**FINDING OF NO SIGNIFICANT IMPACT FOR ISSUANCE OF  
AN  
ENHANCEMENT OF SURVIVAL PERMIT  
FOR THE**

**Greater Sage-Grouse (*Centrocercus urophasianus*) Candidate Conservation  
Agreement with Assurances between the Oregon State Land Board, Oregon  
Department of State Lands and the U.S. Fish and Wildlife Service**

**Prepared by  
U.S. Fish and Wildlife Service**

## **Introduction**

Pursuant to the National Environmental Policy Act of 1969, as amended (NEPA), the U.S. Fish and Wildlife Service (Service) has completed an Environmental Assessment (EA) for the proposed issuance of an Enhancement of Survival Permit (EOS Permit) to the Oregon Department of State Lands (DSL) for the incidental take of the greater sage-grouse associated with implementation of the Greater Sage-Grouse Candidate Conservation Agreement with Assurances (CCAA). Issuance of the EOS Permit would be done under the authority of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et seq.), and would be conditioned upon full and complete compliance with and implementation of the CCAA. The proposed EOS Permit would authorize the collective incidental take of up to 33 greater sage-grouse (hereafter referred to as "sage-grouse") per year, based on a 5-year average. The covered area encompasses approximately 611,000 acres within the range of the sage-grouse. DSL will develop Sage-Grouse Habitat Assessments (SGHAs) and agree to implement relevant conservation measures (CMs) that address threats to sage-grouse on their lands.

In the EA, the Service evaluated the potential effects on the human environment associated with the Proposed Action described above and a No Action Alternative. Under the No Action Alternative, the Service would not enter into a CCAA for the sage-grouse with DSL, nor issue the associated ESA section 10(a)(1)(A) EOS Permit. Thus, DSL administered lands would not be enrolled under the CCAA; however, existing protections for the sage-grouse would remain in effect.

## **Decision and Rationale**

Based on a detailed review of the CCAA and the analyses in the EA, we selected the Proposed Action because it:

- Meets the Service's CCAA standard by providing an effective long-term conservation strategy for the sage-grouse by reducing or removing threats to the species on DSL administered lands through proactive ranch and land management that emphasizes protection and enhancement of sage-grouse habitat.
- Provides a well-defined adaptive management process informed by habitat quality and effectiveness monitoring conducted on grazing parcels.

## **Finding of No Significant Impact**

Based on the information contained in the EA and the CCAA, and consideration of public comments received during the public review, we find that the proposed issuance of an ESA section 10(a)(1)(A) EOS permit to DSL for incidental take of the sage-grouse in association with implementation of the Greater Sage-Grouse Candidate Conservation Agreement with Assurances, will not significantly affect the quality of the human environment for the following reasons:

1. Regulatory assurances conferred to DSL will provide an incentive for DSL to work proactively with the Service to address the threats to the sage-grouse found on their grazing parcels. This would benefit sage-grouse populations by maintaining or enhancing habitat quantity and quality, and by limiting habitat fragmentation between state, federal, and private lands in the covered area. These benefits to the sage-grouse, while substantial, are not expected to rise to the level of significance when considered in the context of the eleven-state range of the species.
2. The actions taken under this CCAA are not expected to have any significant effects to public health and safety because covered activities, if carried out as prescribed, have a low probability of impacting human health and safety and would occur on state lands where livestock grazing is permitted.
3. Implementation of the CCAA is not expected to significantly impact unique characteristics of the geography, including but not limited to: parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. We reached this conclusion because the Proposed Action will result in the maintenance and enhancement of sage-grouse habitat with little to no new ground disturbance.
4. The majority of public comments received indicated concern regarding the ability of the CCAA to improve habitat conditions for the sage-grouse. The public comments also included recommendations for modifications to the CCAA and EA, but overall these recommendations do not result in controversy.
5. Implementation of the CCAA is not highly uncertain, nor does it involve unique or unknown risks on the human environment because the Proposed Action provides CMs to maintain and enhance sage-grouse habitat while maintaining the agricultural way of life throughout the covered area.
6. The Service has concluded that the anticipated minor negative effects of the Proposed Action in the covered area are unlikely to result in an appreciable reduction in the likelihood of the survival and recovery of the sage-grouse across its entire range (Service 2015c).
7. The effects of CMs implemented under this CCAA are not expected to rise to the level of significance relative to the impacts of the Proposed Action on the human environment. Although these CMs may be included in future CCAAs for the sage-grouse, the above finding does not constitute a precedent because all future applications for other sage-grouse CCAA-related ESA permits will have their own decision process.
8. The short-term economic costs to DSL from implementing CMs would be off-set by the long-term benefits of regulatory certainty. Overall, implementation of the CCAA is likely to result in long-term, minor socioeconomic benefits associated with improved range conditions and assurances that ranching operations can continue without additional restrictions should the sage-grouse be listed. Additionally, implementation of the Proposed Action will not impact minority or low-income populations.
9. No impacts to cultural or historic properties are likely to be caused by implementation of the Proposed Action. However, if these resources are found on DSL lands covered under the CCAA, then DSL would be responsible for adhering to all laws regarding protection of cultural and historic properties.
10. The CMs implemented under the CCAA that address riverine, riparian, and wetland habitats are anticipated to provide benefits to the following federally listed or candidate

species that will not rise to the level of significance: the bull trout, gray wolf, Foskett speckled dace, Warner sucker, Hutton tui chub, Lahontan cutthroat trout, Columbia spotted frog, and the yellow-billed cuckoo. We reached this conclusion because there are minimal acres within the covered area where these species are likely to occur and no adverse impacts are anticipated to any of these species.

11. Issuance of the EOS Permit is conditioned upon adherence to all local, State, tribal, and Federal laws and regulations; therefore, the Proposed Action is not likely to violate such laws and regulations.

## **Public Involvement and Comments Received**

The CCAA was developed with input from, and collaboration with, Federal, State and local government and other non-governmental organizations including the Oregon Department of Fish and Wildlife (ODFW), the Soil and Water Conservation Districts (SWCDs) from eight Oregon Counties, and private landowners. On February 23, 2015, we issued a Notice of Availability in the *Federal Register* (80 FR 9475) for the draft CCAA and draft EA for public review. A 30-day public review and comment period was initially open until March 25, 2015, but was then extended until May 11, 2015. The draft EA and draft CCAA were available at the Service's Oregon Fish and Wildlife Office website, and were available for review at the Oregon Fish and Wildlife Office in Portland, OR.

In response to the Notice of Availability we received two letters from individuals and one from a non-profit conservation organization. Comments included questions about the adequacy of certain conservation measures; due diligence and the responsibilities of the parties, and the beneficial effects of the voluntary program. Some commenters provided recommendations regarding specific CMs, cumulative impacts, inventory and monitoring, and other aspects of the CCAA and the EA. None of these comments identified any significant new environmental impacts that had not already been addressed in the draft EA. For a detailed description of substantive public comments and the Service's responses, see Appendix A.

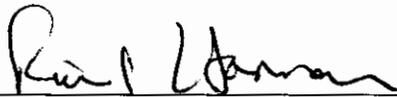
## **Changes Made Between Draft and Final CCAA and EA**

Changes were made to the draft CCAA to provide greater certainty regarding implementation of CMs on DSL lands. Specifically, in addition to requesting SGHAs for a minimum of 25% of the covered area prior to permit issuance, we requested an interim plan documenting any currently known habitat data, threats, and potential CMs for the remaining 75% of the covered area not yet in SGHAs. We also asked that all SGHAs be completed by the end of 2018 so that all DSL lands will be included under this agreement in a timely fashion. Should sage-grouse be listed, authorized take would be based on the amount of preliminary priority habitat (PPH) and preliminary general habitat (PGH) provided in approved SGHAs. Due to workload concerns, we also removed the specific requirement for the Service to visit approximately 10% of enrolled lands on annual basis and review monitoring reports within 60 days. However, we remain committed to visiting as many enrolled lands as possible and providing information in a timely fashion. There were no substantive changes to the Environmental Assessment because environmental impacts were adequately addressed in the draft EA.

## Conclusion

Based on my review and evaluation of the information contained in the EA, CCAA, and other supporting documents, I have determined that the issuance of the EOS Permit and implementation of the CCAA, as proposed, is not a major Federal action that will significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, preparation of an environmental impact statement on the Proposed Action is not required.

Documents used in preparation of this finding of no significant impact on the Proposed Action include the EA (Service 2015a), CCAA (Service 2015b), and the Intra-Service Section 7 Conference Opinion (Service 2015c). All of these documents are incorporated herein by reference, as described in 40 CFR 1508.13. All supporting documents are on file and available for public inspection, by appointment, at: U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 981 Ave, Suite 100, Portland, OR 97266; tel: 503-231-4000.



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Date

## Supporting References

U.S. Fish and Wildlife Service (Service). 2015a. Environmental Assessment for the Greater Sage-Grouse (*Centrocercus urophasianus*) Candidate Conservation Agreement with Assurances between the Oregon State Land Board, Oregon Department of State Lands, and the U.S. Fish and Wildlife Service.

Service. 2015b. Greater Sage-Grouse (*Centrocercus urophasianus*) Candidate Conservation Agreement with Assurances between the Oregon State Land Board, Oregon Department of State Lands, and the U.S. Fish and Wildlife Service.

Service. 2015c. Conference Opinion Regarding the Effects of the Proposed Greater Sage-Grouse (*Centrocercus urophasianus*) Candidate Conservation Agreement with Assurances between the Oregon State Land Board, Oregon Department of State Lands, and the U.S. Fish and Wildlife Service.

## Appendix A- Public Comments and Service Responses

### Comments Related to Conservation Measures

**Comment:** The Conservation Measures should not allow any reduction of intact sagebrush. The “no net loss” approach to sagebrush fragmentation overlooks the significant time period required for sagebrush to regenerate after it is removed or treated, which may be centuries in lower elevation areas. Dense stands of “decadent” sagebrush possesses the habitat attributes that sage-grouse and other sagebrush obligates like pygmy rabbit require. Incidental take from reduction of sagebrush habitat to promote desirable grasses simply should not be allowed. Grasses should be promoted by reduction of grazing use, which does not require reduction of sagebrush.

**Comment:** CM-1: see discussion above regarding FWS’s “no net loss” approach to maintaining contiguous habitat and preventing fragmentation. FWS should not allow any removal or reduction of intact sagebrush habitat without clear benefits to sage-grouse as the primary purpose of the treatment.

**FWS Response:** By implementing the CCAA and receiving an EOS permit, DSL agrees to manage their lands in a manner that provides a benefit to sage-grouse (CCAA page 32). The overall management goal is to facilitate maintenance of, or transition to, a desired ecological state that serves the habitat needs of sage-grouse (CCAA, page 12). Limited sagebrush removal in areas where the sagebrush canopy cover is too high (>25%, Connelly et al. 2000, Beck and Mitchell 2000; Dahlgren et al. 2006) would promote the development of understory grasses and forbs. Mechanical treatments, if carefully designed and executed, can be beneficial to sage-grouse by improving herbaceous cover, forb production and sagebrush resprouting (Braun 1998, page 147 in FWS 2010, 75 FR 13910, page 30). Appropriate rangeland treatments such as this will be determined on a case by case basis in each SGHA, and only be used where necessary to achieve the desired ecological state. In addition, the FWS may suspend or revoke the EOS permit at any time if DSL is not in compliance with the conditions of the permit, or with any applicable laws or regulations governing the conduct of the permitted activity; see also Section 22, EOS Permit Suspension or Revocation, page 38-39 of the CCAA.

**Comment: CCCM-1:** any post fire seeding or restoration should use only locally-adapted native species.

**Comment: CCCM-3:** Again, use only native species. Use of exotic crested wheatgrass cultivars and forage kochia is ecologically indefensible.

**Comment: CCCM-2:** Quantifiable objectives for return of post-fire grazing after adequate rest should include standards for recovery of all sage-grouse habitat attributes, including adequate recovery of woody species, not just desirable forbs and grasses.

**FWS Response:** The overall management goal of the CCAA is to facilitate maintenance of, or transition to, a desired ecological state (state "A" or "B"), using an ecologically based model that can serve the habitat needs of sage-grouse. By definition, states "A" and "B" in the state and transition models (CCAA pages 15-19, Figures 1 through 4 and Appendix C, State and Transition Models) as desired ecological states are free of exotic annual grasses and noxious weeds, or have very low levels of infestation that can be addressed through the application of appropriate CMs. Several CMs for post-fire rehabilitation as well as for vegetation treatments, in particular CMs 41, 44, and 45, promote the use of native species in rehabilitation, restoration, and revegetation. Changed Circumstances Conservation Measures (CCCMs) are available for use after uncommon or unusual, large-scale events such as catastrophic wild fires or floods, prolonged drought, etc. (CCAA page 33). The use of these CCCMs can only be done with the written approval and concurrence from the FWS. In such circumstances the FWS would continue to promote the use of locally-adapted, native species.

**Comment: CCCM-6:** FWS should evaluate the need for existing fences before rebuilding any fencing damaged in fires. Temporary fencing that follows the burn perimeter should not be used; instead, grazing should be precluded within the entirety of the affected pasture for the duration of the required rest. If temporary fencing is erected, it must be removed after grazing resumes so that management response after fires does not result in new, additional fencing.

**FWS Response:** Changed Circumstances Conservation Measures (CCCMs) are available for use after uncommon or unusual, large-scale events such as catastrophic wild fires or floods, prolonged drought, etc. (CCAA page 33). The use of these CCCMs can only be done with the written approval and concurrence from the FWS. In such circumstances the FWS would evaluate the need for rebuilding any fencing, or introducing temporary fencing, as part of a larger revegetation and restoration plan to achieve a desired ecological state.

**Comment: CCCM-7:** Drought response actions should not include water-hauls, targeted grazing, or temporary fencing, which concentrate livestock and focus harm on the uplands. Temporary or permanent reductions of grazing are appropriate, with analysis of permanent loss of productivity of the land that may accompany drought before pre-existing numbers of livestock are returned.

**FWS Response:** Changed Circumstances Conservation Measures (CCCMs) are available for use after uncommon or unusual, large-scale events such as catastrophic wild fires or floods, prolonged drought, etc. (CCAA page 33). The use of these CCCMs can only be done with the written approval and concurrence from the FWS. In such circumstances the FWS would evaluate the need for, and the application of, CCCMs as part of a larger set of CMs to address the threat from drought. Depending on the severity of the drought as well as the site-specific conditions, a variety of CMs and CCCMs may be used to address the threat. This may include water-hauls, targeted grazing, temporary fencing, as well as reductions in grazing, where appropriate, to achieve and maintain a desired ecological state.

**Comment: CCCM-9:** Development of natural springs that transfer water into standing tanks or troughs should be disallowed to prevent creating suitable areas for mosquitos to breed.

**FWS Response:** Changed Circumstances Conservation Measures (CCCMs) are available for use after uncommon or unusual, large-scale events such as catastrophic wild fires or floods, prolonged drought, etc. (CCAA page 33). The use of these CCCMs can only be done with the written approval and concurrence from the FWS. CCCM 9 is in place to address the possibility of a West Nile Virus outbreak. CCCM 9 states:

CCCM 9. Cooperate with responsible agencies to implement feasible mosquito control, which may include:

1. Minimize unnecessary standing water that could be used as mosquito breeding grounds within sage-grouse habitat
2. Use larvicides in areas that mosquito habitat cannot be reduced
3. Evaluate the effectiveness of spraying for adult mosquitos, and consider using mosquito specific control measures.

CCCM 9 does not include provisions for the development of natural springs that transfer water into standing tanks or troughs. The intent of “minimize unnecessary standing water” is to minimize anthropogenic sources of standing water – such as draining stock tanks that are not in use, not to develop naturally occurring springs or wetlands.

**Comment: CM-6:** Targeted grazing to remove fuel loads as a means of fire prevention is counterproductive to maintaining adequate cover for sage-grouse security needs. What is the scientific justification for including this part of the CM?

**FWS Response:** CM 6 calls for consideration of targeted grazing as a proactive prevention measure for reducing the threat from wildfire, only in years of high fuel load accumulation, and only where it can be strategically utilized while maintaining suitable habitat for sage grouse (CCAA Appendix A pages 46-47). The scientific justification for including this part of the CM can be found throughout the considerable amount of research conducted on livestock grazing in sage brush habitats. A summary of much of this work can be found in Strand and Launchbaugh, 2013: Great Basin Fire Science Delivery Report: Livestock Grazing Effects on Fuel Loads for Wildland Fire in Sagebrush Dominated Ecosystems; in particular see pages 10-11 for a more complete list of citations. Further, Davies et al. 2009, found that light levels of cattle grazing at the appropriate season can reduce herbaceous fuel abundance and increase herbaceous fuel moisture, both of which could help moderate the negative influence of fire on low-elevation sagebrush plant communities (summarized in Ielmini et al, 2015: Invasive Plant Management and Greater Sage-Grouse Conservation: A Review and Status Report with Strategic Recommendations for Improvement, Western Association of Fish and Wildlife Agencies, page 7). As with all CMs in the CCAA, the application of this CM will depend on the site-specific characteristics of the land in question, and will only be used when and where appropriate to address the threat.

**Comment: CM-9 and 11:** FWS must remove these CMs that allow prescribed fire in sagebrush habitat. As recently noted by a coalition of top sage-grouse experts, there is no demonstrated benefit to sage-grouse from prescribed fire, which harms sage-grouse populations<sup>2</sup>.

**FWS Response:** CMs 9 and 10 are specifically designed to address the threat from loss of sagebrush habitat due to lack of fire and associated conifer encroachment. “High elevation plant communities are dependent upon periodic fire to maintain healthy functional plant communities. The use of prescribed fire in low elevation sagebrush communities can result in a reduction of sage-grouse habitat in quality and quantity. DSL will determine need for treatment and, if needed, the appropriate method for removal (e.g., chainsaw, heavy machinery, chemical, prescribed fire, or a combination) and slash treatment. DSL will choose methods that will minimize or prevent soil disturbance or sterilization and methods least likely to result in weed invasions (CCAA Appendix A page 47)”. As with the application of all other CMs, the use of these CMs will only occur where their use is determined to be appropriate to address the threat, and conducted in a manner which will recover and restore sage-grouse habitat to a desired ecological state.

**Comment: CM-18:** rest from grazing following juniper treatments should be mandatory, and return of grazing should only occur after attainment of objective recovery standards, as with the CCAA's approach to rest following fire.

**FWS Response:** Rest from grazing following juniper treatments is expected to occur in most cases but will necessarily vary in timing and duration based on the site-specific habitat conditions as well as the current and desired ecological state. Similarly, the type of juniper treatments will vary according to the level of juniper infestation (see CMs 12 through 18, Appendix A, page 48). As with the CCAA's approach to rest following a fire, a return to grazing after a period of rest following juniper treatment would only occur at the levels and timing needed to reach and maintain a recovery objective; which in this case is a desired ecological state that can serve the habitat needs of sage-grouse.

**Comment: CM-20:** this CM should disallow these disruptive activities entirely within the breeding period of March 1 to June 30.

**FWS Response:** CM 20 seeks to "Reduce disruptive activities one hour after sunset to two hours after sunrise from March 1 through June 30 within 0.6 miles of the perimeter of occupied leks, unless brief occupancy is essential for routine ranch activities" (CCAA Appendix A page 49). These disruptive activities would typically be livestock management actions such as moving cattle with trucks or the operation of heavy equipment. Limiting these types of disruptive activities is the intent of this CM and it is anticipated that this CM will be applied to the majority of SGHAs to limit disturbance to only those activities that are essential. Further, an adaptive, outcome-based approach (Walters 1986) will be used to allow management flexibility, recognizing CMs may need to be updated based on changing conditions. Such an adaptive management approach explicitly recognizes multiple factors (environmental conditions, biological processes) affect sage-grouse populations. If the desired results of a CM are not achieved, DSL will modify the CM or enact another CM in order to achieve the desired results (CCAA page 21).

**Comment: CM-24:** no reduction or alteration of winter sage-grouse habitat should be allowed.

**FWS Response:** CM 24 seeks to "Avoid alteration of winter habitat with winter feeding in occupied habitat unless it is part of a plan to improve ecological health or to create mosaics in dense sagebrush stands that are needed for optimum sage-grouse habitat, or is needed for emergency care of livestock" (CCAA Appendix A page 49). Our adaptive management approach explicitly recognizes multiple factors (environmental conditions, biological processes) affect sage-grouse populations. If the desired results of a CM are not achieved, DSL will modify the

CM or enact another CM in order to achieve the desired results (CCAA page 21). In this case, the desired results are to achieve and maintain optimum sage-grouse habitat, and in the event that this is not achieved through “avoiding alteration of winter habitat”, the CM can be modified or replaced as necessary.

**Comment: CM-25:** Development of additional water sources should not be allowed as these are important areas for invasive plant species to make inroads; provide breeding areas for mosquitos; concentrate livestock use that damages soil crusts; fragment habitat; provide perches for sage-grouse predators; and otherwise subsidize sage-grouse predators such as ravens by providing water.

**FWS Response:** CM 25 states “Develop additional water sources for wildlife and livestock, to reduce impacts to riparian, wetland, playas, and wet meadow areas important to sage-grouse” (CCAA Appendix A page 49). The intent of this CM is to encourage the development of livestock watering facilities away from natural springs and wetland habitats that are important to sage-grouse and a host of other wildlife and plants. It is anticipated that CM 25 would be combined with other CMs during the development of an SGHA and site-specific grazing management plan that addresses the threats to sage-grouse on the particular site, including those that subsidize predators and provide habitat for mosquitoes (see CMs 19-30, as well as 49, 54-56, CCAA Appendix A pages 49-53). It is further anticipated that damage to riparian, wetland, playas, and wet meadow areas from previous livestock watering would be restored as part of the SGHA in order to achieve the desired ecological state as well as to serve the habitat needs of sage-grouse.

**Comment: CMs 31-42:** FWS must recognize livestock grazing as one of the leading causes of establishment and spread of noxious or invasive plant species. Grazing damages fragile soil crusts, allowing cheatgrass, medusahead, ventenata, and other annual exotics to establish and out-compete native species. These also contribute to more frequent, bigger wildfires that convert sagebrush steppe on annual grasslands. Livestock preference for larger native bunchgrasses compounds the effects of completion on native species from annual grasses.

**FWS Response:** The FWS has recognized that *excessive* livestock grazing and *overgrazing* have been a cause of establishment and spread of noxious or invasive plant species (FWS 2010, 75 FR 13910 page 29). The FWS has also recognized that “...*improper* livestock management, as determined by local ecological conditions, may have negative impacts on sage-grouse seasonal habitats” (FWS 2013, COT Report page 44). The FWS has further recognized that “...the impact of livestock operations on sage-grouse depend upon stocking levels, season of use, and utilization levels” (FWS 2010, 75 FR 13910 page 31).

**Comment: CMs 43, 47, 48:** “treatments” that destroy or remove sagebrush cannot be considered as part of an ecologically defensible conservation plan for sage-grouse when FWS recognizes that habitat loss and fragmentation is the primary threat to sage-grouse. This has been well-documented including by FWS and by BLM’s National Technical Team report.

**FWS Response:** Sagebrush habitat in the covered area currently exists in several ecological states, including some where the sage brush cover is overgrown to the point where the native herbaceous and forb understory community cannot be effectively restored without some treatment of the sage brush canopy, in an effort to achieve a desired ecological state and suitable sage-grouse habitat. Treatments such as CM 43 allow for the specific and controlled treatment of sage brush canopy, such as brush beating, to restore mosaic patterns as a tool to increase production of understory species and to increase diversity to benefit sage-grouse habitat (CCAA Appendix A page 50). As with all CMs, the Vegetation Treatment CMs (43-48) are designed to reduce or eliminate the loss of sage-grouse habitat quality and quantity through the inappropriate use of vegetation treatments. See also the response to the first comment.

**Comment: CM-55:** predator risk should be managed through reduction of anthropogenic subsidies and not through direct killing of native predators.

**FWS Response:** Predator risk will be managed through reduction of anthropogenic subsidies – that is exactly the intent of CMs 54 and 55. Lethal predator control would only occur where a significant predator impact has been well documented and only after non-lethal predator removal actions have been implemented and determined to be inadequate. Further, lethal predator control would only occur in consultation with ODFW or other relevant permitting agencies.

**Comment:** The State and FWS should analyze potential inclusion of a conservation measure that allows voluntary permit relinquishment and subsequent retirement of grazing privileges that is consistent with the State’s mandate to maximize economic returns on state trust lands.

**FWS Response:** As described in Section 4 of the CCAA (page 10), DSL grazing lease agreements are administered under a contractual relationship between the State and individual lessees. DSL retains management control of these lands and may undertake needed actions independently of lessees, in partnership with lessees, or direct lessee actions as appropriate under the terms of the lease contracts. Each SGHA is unique based on the site-specific characteristics of each individual allotment, and the CMs applied to each allotment under the SGHAs are chosen as needed to address the threats present. If a land uses other than those already occurring on enrolled lands were implemented to maximize economic returns on state lands, the current set of CMs in the CCAA could still be applied to that land, and CCCMs could be developed to

address unforeseen threats or new circumstances. Beyond that, if the other land use was incompatible with the intent of the CCAA and/or the application of specific CMs could not meet the CCAA standard (CCAA page 6), those lands would be unenrolled from the voluntary program.

### **Other Comments**

**Comment:** A particular problem with the DSL CCAA is that it transfers responsibility for undertaking and applying many conservation measures to the permittees. This creates a direct conflict between the interests of sage-grouse and private livestock operators, who have incentives to maximize use of public land resources to increase profits. Lack of diligence by grazing permittees to monitor and meet management objectives and reluctance or inability by management agencies to enforce grazing standards makes effective implementation of conservation measures unlikely. At a minimum, conservation measures, especially those that place restrictions on timing and amount of use must be incorporated into grazing permits as mandatory terms and conditions, and subsequently monitored and enforced by DSL as the managing agency.

**FWS Response:** DSL managed rangelands in addition to statutory and administrative guidelines are, where leased, administered under contractual relationships between the State and individual lessees. DSL retains management control of the lands and may undertake needed actions independently of lessees, in partnership with lessees, or direct lessee actions as appropriate under the terms of the lease contracts (CCAA Appendix A page 10). Further, under Section 9, Responsibilities of the Parties, "DSL will work with lessees to ensure appropriate implementation of applicable CMs consistent with this CCAA. In the event that a lessee fails to implement required CMs, DSL will take such administrative or legal action as is necessary to enforce the lease terms" (CCAA page 26).

**Comment:** WWP previously submitted comments on the draft Harney Co. CCAA, the draft multi-county CCAA and incorporates those comments here for full consideration by FWS in the current process of evaluating DSL's application for an EOS permit and entering into a similar CCAA.

**FWS Response:** comments received during previous public comment periods for the Multi-County CCAA and the Harney County CCAA have already been addressed.